



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**February 21, 2007 7:50 p.m.**  
**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, February 21, 2007 at 7:50 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Karen Roselli, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Mayor Castro led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

**Motion: A motion was made by Commissioner Balius to approve the Agenda; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**PUBLIC and OTHER COMMENT**

*Richard Ahrens, 1461 Kinetic Rd.* – asked for clarification of the alleyway project between 7<sup>th</sup> and 10<sup>th</sup> St.

Mayor Castro explained that Mr. Ahrens would be responsible for landscaping.

Mr. Ahrens stated that he would be sodding and stabilizing the areas. He stated that his company met with the utility companies and they addressed all of the issues regarding the alleyway project.

## **COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

### **Commissioner Carey**

Commissioner Carey announced that he had an opponent and was running in the March 13, 2007 election for a second term.

Commissioner Carey asked if there could be a yearly ramp fee at the Marina.

Commissioner Carey stated that a resident informed him that he could launch his boat for free as many times as he wanted at the North Palm Beach Marina. He stated that the resident recommended a flat fee for the Lake Park Harbor Marina.

### **Vice-Mayor Daly**

Vice-Mayor Daly thanked the people who called him and offered him services to help him get re-elected.

### **Commissioner Balius**

Commissioner Balius asked for an update of the Florida League of Cities Luncheon scheduled for February 25, 2007.

### **Mayor Castro**

Mayor Castro stated that he believed that if federal or state money was taken the Town could provide a privilege to Lake Park residents. He asked Town Manager Maria Davis to do research on that topic.

Mayor Castro welcomed Maria Davis as the new town manager.

Mayor Castro asked Town Manager Maria Davis for an update on the street lighting.

Mayor Castro stated that money was placed in the budget for the street lighting program which was started three years ago to improve the street lighting system in the Town. He stated that they wanted to improve the wattage of bulbs and to replace lost lights on the west, industrial side of town.

Mayor Castro stated that he found it interesting that they keep receiving letters from the state asking for the status of the Firefighters Pension case. He stated that he thought that the Florida League would be interested in supporting the Town because it had a far reaching impact to other municipalities.

### **Commissioner Osterman**

Commissioner Osterman commended the library staff for putting together the Florida Beyond the Books program. She encouraged everyone to take advantage of the different events at the program. She reviewed the different events that would take place at the program.

### **Town Manager Maria Davis**

Town Manager Maria Davis stated that staff needed clarification on the street lighting program.

Town Manager Maria Davis stated that she would provide information on the Florida League of Cities Luncheon.

Town Manager Maria Davis introduced Michael Klinginsmith as the Interim Marina Manager.

Town Manager Maria Davis stated that a Priorities Workshop had been scheduled for March 28, 2007.

Town Manager Maria Davis stated that the procedure for garbage pickup the day after Thanksgiving has been changed and garbage will be picked up on that day from now on.

Town Manager Maria Davis stated that the roof trusses at the Lake Park Apartments were in the process of being installed.

Town Manager Maria Davis stated that the plan was modified for the landscaping at Bev Smith Ford but it was not in compliance with Town code. She stated that Bev Smith Ford did not agree with the Town's fees. She stated that it will be presented to the board at the next Planning & Zoning Board Meeting.

Town Manager Maria Davis stated that the breakwater at the Marina was progressing and the floating dock had been completed and they are adjusting 13,000 bolts on the other docks. She stated that they were still under the maintenance portion of the permit for the No Wake Zone. She stated that she hoped to give an update on the DEP and the core for the permit of the breakwater at the next Commission Meeting.

Town Manager Maria Davis stated that staff contacted Congressman Ron Klein and sent a package requesting \$210,000.00 to continue repairing the seawall at Lake Shore Park. She stated that the total amount to complete the wall would be \$420,000.00. She stated that they applied for a FIND Grant which was a matching grant for the remainder of the money.

Town Manager Maria Davis stated that staff contacted a Palm Beach County engineer regarding the congestion on Silver Beach Rd. and he suggested that the Town draft a Resolution for the Commission's approval that she would bring to the next Commission Meeting. She stated that the engineer said that the County may do a traffic study of Silver Beach Rd.

#### **Attorney Karen Roselli**

Attorney Karen Roselli stated that opposing counsel filed their brief on the Firefighters Pension Lawsuit and they are awaiting receipt of the brief. She stated there was a group called IRFA attempting to intervene which would probably be granted by the court.

#### **CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of February 7, 2007
2. APWA alcohol
3. Pro Geotechnical Services
4. FIND Grant Resolution 10-02-07

#### **Public Comment Open.**

*None*

#### **Public Comment Closed.**

**Motion: A motion was made by Vice-Mayor Daly to approve the Consent Agenda; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		

Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

### **PUBLIC HEARING(S)**

#### **ORDINANCE NO. 01-2007 – Performance Bond**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 2, ARTICLE V, DIVISION 2, SECTION 2-250 ENTITLED “ALTERNATIVE SOURCE SELECTION” OF THE TOWN CODE OF ORDINANCES PERTAINING TO THE DETERMINATION OF THE MONETARY AMOUNT OF BID SECURITY AND PAYMENT AND PERFORMANCE BOND REQUIREMENTS FOR CONSTRUCTION PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Castro explained the purpose of Ordinance No. 01-2007.

Town Manager Maria Davis stated that the current Town code required that the Town hold a 10% bid bond for any project valued over \$200,000.00. She stated that contractors did not want to bid because the bid bond was too high. She stated that she was accustomed to a 5% bid bond amount. She stated that projects under \$200,000.00 did not require a 100% performance bond. She recommended that projects be left up to the manager to determine what bid bonds be placed on projects under \$200,000.00.

Attorney Karen Roselli stated that a blank section in the Ordinance needed to be filled out according to what the Commission decided and she stated that there was a typo on page 7 that stated Palm Beach County where it should state the Town.

#### **Public Comment Open.**

*None*

#### **Public Comment Closed.**

Attorney Karen Roselli read Ordinance No. 01-2007 by caption only.

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 01-2007; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner			

Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**ORDINANCE NO. 03-2007 – Historic Property**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 66, SECTION 66-10 ENTITLED “APPLICATION FOR CERTIFICATE OF APPROPRIATENESS;” PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Castro explained the purpose of Ordinance No. 03-2007. He stated that any historical property that was on the original survey would have to get a Certificate of Appropriateness from the Historical Society even if it was not a landmark.

**Public Comment Open:**

*Lee Kendall, 318 Hawthorne Dr.* – expressed concern over Ordinance No. 03-2007 and stated that in her opinion, Lake Park’s greatest assets were its historical properties and its proximity to the water. She stated that there were 183 historic landmarks in the Town and only 11 have registered as an historical property. She stated that she was concerned that the Town was making it easier to remove or tear down historical properties. She stated that historical properties needed to be protected. She recommended a qualified board or panel that oversees historical properties with regards to their renovations, repairs, or removal.

Mayor Castro stated that most advisory boards for municipalities were not qualified to make decisions. He stated that the Town needed to be more proactive in contacting property owners and try to solicit them to landmark their properties and show them the benefits of doing so.

Community Development Director Patrick Sullivan stated that a property owner wanted to demolish a building on Silver Beach Rd. and had to get a Certificate of Appropriateness because the property was listed and was over 50 years old. He stated that they were required to obtain the Certificate of Appropriateness even though the property did not have historical significance.

Mayor Castro recommended a provision in the code that if a property was not a landmark for the Planning & Zoning Board to review the property.

Community Development Director Patrick Sullivan stated that the buildings that were designated were given the opportunity to opt out and the rest were not given that opportunity.

Commissioner Osterman asked what the purpose of the survey was.



Mayor Castro explained and stated the purpose of the survey was to obtain historic preservation grants from the state.

Commissioner Osterman stated that the Town was coming to a point where all homes in Lake Park would be 50 years old.

Mayor Castro stated that there may be homes that were not landmarked that the Town would not want demolished.

Mayor Castro recommended that Ordinance No. 03-2007 be deferred. He recommended that Community Development Director bring back information on the fees.

#### **Public Comment Closed**

**Motion: A motion was made by Commissioner Carey to defer Ordinance No. 03-2007; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

#### **ORDINANCE NO. 04-2007 - First Baptist School Land Use Map**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE FUTURE LAND USE MAP ("FLUM") OF THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE PARK TO CHANGE THE LAND USE DESIGNATION OF A .918 ACRE PROPERTY GENERALLY LOCATED AT 614, 622, 628, 636, 646 GREENBRIAR DRIVE WITHIN THE TOWN OF LAKE PARK FROM RESIDENTIAL TO OTHER PUBLIC FACILITIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan stated the Planning & Zoning Board approved the Lake Park Future Land Use Map (See Exhibit "A") but did not approve the text amendment change. He stated that the Comprehensive Plan designated land uses such as other public facilities and residential which allowed single family homes, churches and schools. He stated that the Lake Park Baptist School was in the R1-A District according to the zoning map. He stated that the

zoning map did not designate land use. He stated that the Comprehensive Plan considers schools and churches commercial and the school falls between a residential and commercial land use. He stated that Lake Park Baptist School straddles both districts in the Comprehensive Plan. He stated that the school could not expand and be consistent with the Comprehensive Plan. He stated that moving the lines and taking out one block on the map and changing it to allow public facilities would allow the school to expand.

**Public Comment Open:**

*Dr. Don MacKay, Senior Pastor of Lake Park Baptist Church, 625 Park Ave.* – stated that Lake Park Baptist School had been in the Town for almost 40 years. He stated that the school was very established in the community and desired to remain in the community. He stated that Lake Park Baptist School was one of the premiere private schools in Palm Beach County. He stated that if they are to continue to provide the same level of excellence in education they would need to expand and update their facilities. He stated that the school owned five houses on Greenbriar Dr. and one of the houses was in need of repair and remodeling.

Mayor Castro gave a brief history of the Commission's decisions and correspondence with regards to Lake Park Baptist School. He stated that he had spoken to people throughout the county and they had nothing but good things to say about the school. He stated that the Commission was willing to work with Lake Park Baptist School.

Dr. Don MacKay stated that there were some things that set them apart from other private schools in the county such as their tuition rates. He stated that they purposely set their tuition rates so that regular income families could afford to send their children there and receive a quality education.

Attorney Karen Roselli read Ordinance 04-2007 by caption only.

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 04-2007; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**ORDINANCE NO. 05-2007 – First Baptist Text**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, SECTION 78-2 ENTITLED “DEFINITIONS;” AND AMENDING ARTICLE III, SECTION 78-62 ENTITLED “R-1A RESIDENCE DISTRICTS” AMENDING SECTION 78-63 ENTITLED “R-1B RESIDENCE DISTRICTS;” SECTION 78-64 ENTITLED “R-1 RESIDENCE DISTRICTS;” SECTION 78-65 ENTITLED “R-2A RESIDENCE DISTRICTS;” SECTION 78-66 ENTITLED “R-2 RESIDENCE DISTRICTS;” SECTION 78-67 ENTITLED “R-3 RESIDENCE DISTRICTS;” REPEALING SECTION 78-68 ENTITLED “C-1A BUSINESS DISTRICTS;” AND AMENDING SECTION 78-69 ENTITLED “C-1B BUSINESS DISTRICTS;” TO PROVIDE FOR ACCESSORY USES FOR CHURCHES AND RESIDENTIAL DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

Community Development Director Patrick Sullivan explained the purpose of Ordinance No. 05-2007. He stated that the text of the ordinance was changed to allow schools as an accessory use to churches. He stated that the size limitation had been eliminated.

Attorney Karen Roselli stated that the ordinance would change the allowance for all districts.

Community Development Director Patrick Sullivan stated that the ordinance was also clarifying accessory uses to single family homes. He stated that language was added so that single family homeowners could put in their accessory uses such as sheds, pools or garages.

Attorney Karen Roselli read Ordinance No. 05-2007 by caption only.

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 05-2007; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		



Mayor Castro	X		
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Motion passed 5-0.

**ORDINANCE 06- 2007 – Town Manager Powers and Duties**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE III OF THE TOWN CODE, ENTITLED “OFFICERS AND EMPLOYEES;; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK PERTAINING TO POWERS AND DUTIES OF TOWN MANAGER; PROVIDING FOR THE AMENDMENT OF ARTICLE III FORMALLY RECOGNIZING THAT THE TOWN ATTORNEY IS AN OFFICER OF THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balias to approve Ordinance 06-2007; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Commissioner Osterman stepped out during the vote of Ordinance No. 02-2006, but indicated an Aye vote once she returned.

**RESOLUTION NO. 09-02-07 – Poll Workers**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPOINTING INDIVIDUALS TO SERVE AS ELECTION POLLWORKERS: AS CLERKS, ADVISORS, COMPUTER LAPTOP OPERATORS, AND INSPECTORS FOR THE GENERAL ELECTION ON TUESDAY MARCH 13, 2007 FOR THE PURPOSE OF COMMISSIONER SEAT(S) B AND D FOR THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, PALM BEACH COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 09-02-07; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**RESOLUTION NO. 11-02-07 – Chief Information Technology**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REVISING THE TOWN CLASSIFICATION AND PAY PLAN TO PROVIDE FOR THE POSITION OF CHIEF INFORMATION TECHNOLOGY OFFICER; PROVIDING FOR THE PUBLICATION OF AN UPDATED CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 11-02-07; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		

Mayor Castro	X		
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Motion passed 5-0.

**RESOLUTION NO. 12-02-07- Marina Manager Job Description**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REVISING THE TOWN CLASSIFICATION AND PAY PLAN TO AMEND THE JOB DESCRIPTION FOR THE POSITION OF HARBOR MARINA MANAGER; PROVIDING FOR THE PUBLICATION OF AN UPDATED CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

Commissioner Balius stated that he liked Resolution No. 12-02-07.

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 12-02-07; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

## ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 9:00 p.m.

  
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Mayor Paul Castro

  
\_\_\_\_\_  
Deputy Clerk Jessica Shepherd

  
\_\_\_\_\_  
Town Clerk Vivian Mendez

Town Seal

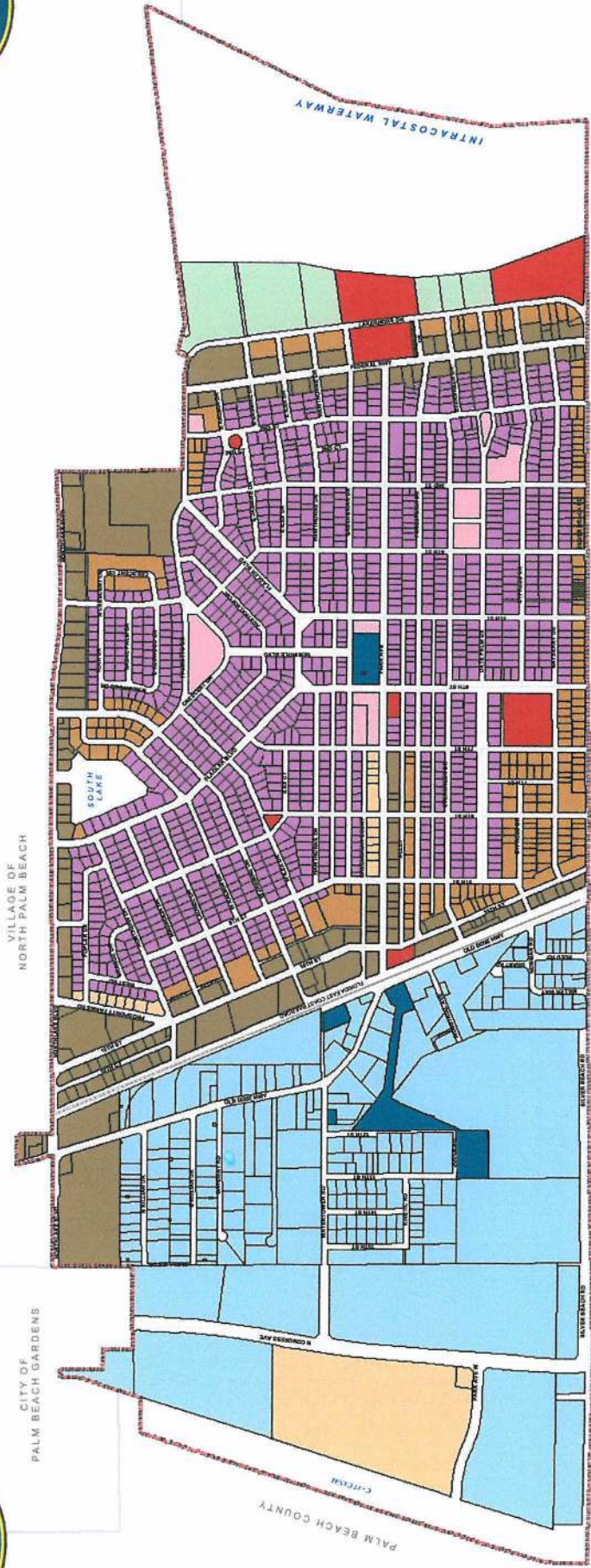


FLORIDA

Approved on this 7 of March 2007.



# Lake Park Future Land Use Map



- Legend**
- Surrounding Municipalities
  - Town Boundary
  - FUTURE LAND USE**
    - COMMERCIAL
    - MIXED COMMERCIAL AND LIGHT INDUSTRIAL
    - MIXED RESIDENTIAL AND COMMERCIAL
    - OTHER PUBLIC FACILITIES
    - PUBLIC BUILDINGS & GROUNDS
    - RECREATION
    - RESIDENTIAL HIGH DENSITY
    - RESIDENTIAL LOW DENSITY
    - RESIDENTIAL MEDIUM DENSITY

**CA**  
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 Engineers • Surveyors • Planners  
 1800 E. Lake Shore Drive  
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Produced and maintained by the CGA  
 Geographic Information Systems Services  
 GIS  
 Produced by: CGA  
 Date: 05-20-2007  
 Project: Lake Park Future Land Use Map  
 Changes: Based on the map and the effective use of March 2007

